REMARKS

This Response addresses the Office Action of August 24, 2006, in which claims 1-29 were rejected as obvious under 35 U.S.C. § 103(a) by Ellis et al., US2003/0149988, in view of Gopinath (US 5,990,885). Claims 1-29 are presented for reconsideration and allowance.

Claim Objections

Claim 1 was objected to because of informalities. The claim has been amended per Examiner's suggestion.

Claim Rejections - 35 U.S.C. §103

Ellis discloses an entertainment system, but does not disclose a system in a lodging facility as recognized in the Office Action. Gopinath teaches an entertainment system for a lodging facility, but does not include the menu system and program guide of the current invention. Gopinath is directed to providing personalized preference profiles for guests at a facility. The disclosures are not directed toward the current invention, nor does the combination of the references yield the present invention.

One would not look to combine Gopinath with Ellis. In order to establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the reference. *In re Kotzab*, 217 F.3d 1365 (Fed. Cir. 2000); MPEP 2143.01. Gopinath teaches away from the current claims. The present system requires the head end to create the schedule of programming. The head end receives information from either guest terminals, or cable/satellite or internet providers. The head end then creates a digital file representing the information received. The information is then converted to television signals for transmission and display on the guest terminals. The guest terminals are incapable of receiving a digital file representing the programming guide, and then converting the file for display. The guest terminals do not contain the necessary hardware associated with conversion functions.

Gopinath teaches that a guest appliance 120, 121, which is commonly referred to a set top box, is in communication with a TV set 123, 124. The system is based upon a client-server relationship

for the system. The system requires that the client, for example guest appliance 120, 121, in communication with television set 123, 124, as separate distinct processing circuitry and memory. The server is controller 110. The guest appliance controller receives inputs from a receiver or remote control, and outputs signals to the TV or transmitter. This specifically teaches away from the claimed invention which requires the use of a head end system and not a client server system. The guest appliance 120, 121 converts the information from the controller 110 to output signals. Thus, there is no teaching of transmitting a schedule of programming in the form of television signals from the head end to the television, but rather a teaching of sending information to a guest appliance which will convert the sent information to signals for display on the television. Gopinath teaches away from the claimed invention. Thus, one would not look to combine Ellis with Gopinath to achieve the claimed invention. MPEP 2145(X)(D).

Further, Ellis et al. does not contain disclosure of the use of a head end system as claimed by the current invention. Ellis et al. discloses that the interactive television program guide is run on user television equipment or partially on user television equipment and partially on interactive program guide distribution equipment. See e.g., paragraph 0062, and paragraph 0099. The system is also based upon a client-server relationship for the system. The system requires that the client, for example set top box 28, television 36, television equipment 22, or interactive program guide television equipment 17, all include separate distinct processing circuitry and memory. See paragraph 0099. Each user has access to equipment which generates the program guide. Absent such, the server would be required to be large enough to cover all subscribers or users, which could be in the millions. Due to this type of system, Ellis does not disclose or contemplate a guide running at the head end of a distribution system. Ellis is a system that is used by satellite systems for home use where the necessary equipment is associated with each television. In Ellis, the program guide is not transmitted as television signals, but as a digital file that represents the programming schedule. This digital data file must then be converted to televisions signals for display, which is done at the equipment associated with each terminal and not at a head end.

In the present invention, the program schedule is converted to video signals that represent the program schedule, which are then transmitted as television signals to a terminal. This differs from the Ellis disclosure. Ellis discloses that data, from which a program guide can be constructed, is transmitted. From this, the terminal in Ellis must first construct the program schedule, and then create the video signals that represent the image of the program guide for display on the terminal.

In the present invention, the program schedule is converted to video signals that represent the program schedule, which are then transmitted as television signals to a terminal. This differs from the Ellis disclosure. Examiner cites to ¶¶ 64, 97, and 121 stating "that the program guide is transmitted on a television channel sideband, in the vertical blanking interval of a television channel, using an in-band digital signal" meet the limitations of the current invention. Upon careful reading of the cites, Ellis discloses that ***data***, from which a program guide can be constructed, is transmitted. From this, the terminal must first construct the program schedule, and then create the video signals that represent the image of the program guide for display on the terminal. Although the data may be sent, there is no disclosure of sending the program guide in the form of television signals.

The Ellis reference explicitly states that ***data*** is sent to television equipment 22. Television equipment 22 is comprised of the television 36 and set top box 28. Set top box 28 is comprised of memory 44, communications device 37, and digital storage device 31. The set top box 28 is required to process the data into television signals. The data may be sent in the video side band, but there is no disclosure of the schedule in the form of television signals representing an image of a program guide being sent directly to the television set.

The present system requires the head end to create the schedule of programming. The head end receives information from either guest terminals, or cable/satellite or internet providers. The head end then creates a digital file representing the information received. The information is then converted to television signals for transmission and display on the guest terminals. The guest terminals are incapable of receiving a digital file representing the programming guide, and then converting the file for display. The

guest terminals do not contain the necessary hardware associated with conversion functions. The head end system eliminates the need for guest terminal processing to generate a program guide, which is very important in reducing the cost of the overall system. The system does not need hard drives, television system boxes, or similar associated hardware at the guest terminal as required by Ellis et al. The system of the invention runs all program guide generating functions at the head end.

In the current invention, host computer UHC 20 coordinates the operation of the head end 12. UHC 20 monitors keystroke activity at the guest terminals. Any activity, including the generation of an updated program guide which includes recording requests, recorded programs, or other information is done at the head end. When a user accesses the system through the guest terminal, the information generated by the head end is again sent to the guest terminal in the form of television signals representing the information. As the user navigates through the program guide using keystrokes on a remote control, those keystrokes are sent to the head end. The head end modifies the program guide accordingly and sends a new image of the program guide to the guest terminal. The image is in the form of television signals.

Ellis does not contain a program schedule created, generated, or updated at the head end distribution system and sent to terminals as television signals as required by the claims of the current application. As such, Ellis does not contain a teaching of each and every element required by the claims of the current application. Rather, Ellis notes that the system disclosed is a client-server, and the program schedule is created on the equipment associated with each terminal. Thus, Ellis teaches away from the claims of the current application, which require that the program schedule be created at the head end, and not at the terminal. As such, there is no motivation to combine the Ellis reference with the Gopinath reference or the other prior art of record.

Conclusion

In view of the foregoing, all pending claims 1-29 are in condition for allowance. A notice to that effect is respectfully requested.

The Examiner is cordially invited to contact the undersigned at the telephone number listed below if such a call would in any way facilitate the allowance of this application.

The Commissioner is authorized to charge any additional fees associated with this paper or credit any overpayment to Deposit Account No. 11-0982.

Respectfully submitted,

KINNEY & LANGE, P.A.

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